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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,534	04/05/2000	Kay Rokman	30-509	7187

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EXAMINER

TORRES VELAZQUEZ, NORCA LIZ

ART UNIT	PAPER NUMBER
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1771

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DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

A 9-8

Office Action Summary

Application No.

09/543,534

Applicant(s)

ROKMAN ET AL.

Examiner

Norca L. Torres-Velazquez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13,34 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13,34 and 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 34 and 38-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 34 recites the limitation "resin impregnated and cured mats according to claim 3" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 38 contains an improper Markush group: on line 4, the "and" should be or.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-13 and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by HELWIG et al. (US 6054022).

HELWIG et al. discloses a method for forming a wet-laid nonwoven glass fiber mat comprised of a plurality of bundles of fibers. The method includes the steps of adding chopped fibers to a water slurry containing a sufficient amount of a suitable hydrophobic agent to cause the fibers to form a plurality of bundles. The fibers are then formed into a mat which may be used in a number of reinforcement applications. (Abstract) The reference teaches that the chopped fibers of their invention are wet-chopped fibers having a length of from about 3 mm to about 50 mm. The size of the bundles in the resulting mat is from about 50 to about 500 fibers. (Column 2, lines 59-66) The nonwoven glass fiber mat preferably has a basis weight of from about 40 to about 500 g/m². (Column 3, lines 5-7) The general procedure for preparing the glass fiber mat of their invention is to form an aqueous slurry that is passed to a conventional head box. One suitable binder is an emulsion of a copolymer of ethylene and vinyl acetate. However, it should be appreciated that the choice of binder will depend on the end use. Any binder which is suitable for use in a wet-formed mat operation may be used in HELWIG et al's invention (Column 4, lines 42-67) Regarding claims 39-40, the apparatus to produce a product is not considered pertinent to the patentability of the claimed article. Therefore, limitations regarding the type of headbox used are not given patentable weight.

The reference further teaches that the fibers should have a diameter of about 16 to about 25 microns and that a wide range of sizing agents may be used on the fibers. (Column 6,

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lines 3-8) HELWIG et al. further teaches that the resulting mat comprising bundles of fibers may be used in a number of different applications. For example, the mat may be used in the reinforcement of polyurethane foam headliners. The wet-laid mats may also be used in reinforced plastics applications such as in the production of boat hulls or food service trays. (Column 23-29)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over HELWIG et al as applied to claim 1 above.

It is noted that HELWIG et al. is silent with respect to the use of epoxy resin or PVOH as sizing agents. However, it is reasonable to presume that the use of the claimed sizing agents is inherent to the invention of HELWIG et al. since the reference teaches that any binder suitable for use in a wet-formed mat operation may be used (Column 4, lines 42-67) The reference further teaches that a wide range of sizing agents may be used on the fibers. (Column 6, lines 3-8). Support for said presumption is found in the use of the same starting materials, like processes of making the articles, and the production of similar end-products. The burden is upon the Applicant to prove otherwise. *In re Fitzgerald*, 205 USPQ 594.

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10. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over HELWIG et al. as applied to claim 1 above, and further in view of JOHANSSON et al. (US 6163943).

HELWIG et al. does not disclose the use of a foam process to manufacture the mat.

JOHANSSON et al. discloses a method of producing a nonwoven material that is characterized by foamforming a fibrous web. (Abstract)


Since both HELWIG et al. and JOHANSSON et al. are both from the same field of endeavor, the purpose disclosed by JOHANSSON et al. would have been recognized in the pertinent art of HELWIG et al.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the nonwoven mat and provide it with a foam process for the purpose of improving the mixing of the fibers as disclosed by JOHANSSON et al. (Column 1, lines 63-65).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-5714. The examiner can normally be reached on Monday-Thursday 7:30-5:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

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February 4, 2002